

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy: Another White House huddle on Paris today — Hundreds of thousands march for climate action — FERC convenes confab on power markets
Date: Monday, May 01, 2017 4:48:00 AM

By Anthony Adragna | 05/01/2017 05:42 AM EDT

With help from Darius Dixon and Annie Snider

MORE HUDDLING ON PARIS TODAY: Lawyers from the White House, National Security Council, State Department and Justice Department are gathering today to discuss the legal implications of remaining in the Paris climate change agreement, Pro's Andrew Restuccia [scooped](#), citing two people familiar with the meeting. Ivanka Trump called for today's meeting after the White House counsel's office backed up EPA Administrator Scott Pruitt's concerns at last week's meeting that sticking with the pact could be used in court to fight the Trump administration's bid to undo former President Barack Obama's climate regulations for power plants. It's worth noting that current and former State Department officials strongly disagree with Pruitt's arguments. And late Sunday the Center for Climate and Energy Solutions pulled together [an analysis](#) from two legal scholars explaining the U.S. can alter its international commitments and domestic policies while staying in the agreement.

200,000 TAKE WASHINGTON! The size of Saturday's Peoples Climate March — 200,000 people — stunned even event organizers as tens of thousands braved the steamy April weather to voice their outrage over the Trump's administration environmental agenda on its 100th day. Protesters completely encircled the White House around 2 p.m. (with President Donald Trump inside) and chanted "Resistance is here to stay, welcome to your 100th day!" More than 375 sister marches popped up everywhere from [Chicago](#) to [Boise, Idaho](#), to [Charleston, West Virginia](#). Late spring snow didn't keep people away in [Denver](#) and rallies also took place in countries like the United Kingdom, Kenya and Japan.

Video of the massive march [here](#). Mashable has a [fun roundup](#) of the best signs. Among the bold-faced names hoofing it in Washington: Leonardo DiCaprio, Richard Branson, Bill Nye, Al Gore, Massachusetts AG Maura Healey and various other elected officials. Former EPA Administrator Gina McCarthy was [spotted](#) in Miami.

WE GOT A DEAL: Congressional Republicans and Democrats reached a deal late Sunday night that would fund the government through September, POLITICO's Burgess Everett, John Bresnahan and Sarah Ferris [report](#). Among other matters, the deal extends expiring health insurance benefits for coal miners, delivers \$2 billion in disaster relief funding to California, West Virginia, Louisiana and North Carolina and provides more than \$400 million to fight fires in the West. House Minority Leader Nancy Pelosi said Democrats "eliminated more than 160 Republican poison pill riders" from the final deal.

Text of the agreement was not available early this morning for ME's deadline, though [multiple reports](#) said EPA would see just a one percent cut and DOE would actually see a funding boost in the deal.

IT'S MAY TODAY MY FRIENDS! I'm your host Anthony Adragna, and the American Iron and Steel Institute Paul Balserak was first to identify Lynn Swann as the NFL receiver turned Republican gubernatorial candidate. For today: What 16-year NBA veteran nearly became

governor of Oregon? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

FERC'S MARKET IMPOSSIBLE: Power producers, grid operators, utilities and state regulators will lay down their arms and gather at FERC headquarters today and tomorrow to sort out the future of the three Eastern power markets. After FERC successfully rebuffed energy initiatives in Maryland and New Jersey last year, New York and Illinois created nuclear power incentive programs so large that they've got other energy sources spooked and called the entire 20-year market experiment into question.

And now Connecticut, New Jersey, Ohio and Pennsylvania are eyeing programs to aid their reactors in order to save jobs and/or meet their emissions goals. "I don't think the markets can exist like they are today, given where it looks like a number of states are going to go," former FERC Commissioner Tony Clark told ME. "You can have a perfect market theory about how it should work but I think the brutal reality is states... still have enough resources — legal, regulatory tools — to in some way get what they really seem to want." He added that FERC "should give up the idea that they're gonna make everybody happy in this area for sure."

The known unknowns: A lot of anxiety has built up inside the industry, and tensions have emerged among the states, as well as between the states and the feds, acting FERC Chairwoman Cheryl LaFleur said. But there isn't a clear agreement on what problem everyone's trying to solve. "Are we adapting the markets to state policy? Or are we defining state policy in a way that markets can price it?" she said at a Federalist Society event recently. "We don't have a lot of consensus as to what's the severity of the problem [or] how fast that we have to solve it."

Manage your expectations: "What do I expect of the conference? I expect two days of weeping, moaning and the gnashing of teeth from all sides," longtime analyst Christi Tezak, of ClearView Energy Partners told ME. LaFleur has also sought to cool high hopes. "I don't expect white smoke to billow out of the commission meeting room and down the hall when it's all solved at 5 o'clock on May 2," she has said. "But I think it's an important step. Talking to each other, in my mind, can only help."

The critics: Public Citizen's Tyson Slocum said the conference agenda was "unacceptable": There aren't enough consumer advocates sitting on panels, and the scope should be expanded to include more fundamental questions about the markets and the structure of the grid operators, like PJM. "We're not asking the right questions from the beginning, and we need to be a little broader in casting the net," he said.

The packed two-day event is expected to have at least two overflow rooms, so get there early. The conference starts at 9 a.m. at FERC headquarters and will be [webcast](#). Here is the [agenda](#).

Meanwhile, lawmakers in New York today convene a hearing in Albany today where they'll pepper Gov. Andrew Cuomo's administration with questions about the cost of the state's \$2.8 billion nuclear subsidy. POLITICO New York's Marie J. French sets the scene [here](#).

AN HONORABLE EXIT: FERC Commissioner Colette Honorable broadcast on Friday that she's asked not to be renominated to the agency's leadership. Her term expires June 30 but she could stay on until December if no one is confirmed to her spot before then.

MAIL CALL! CONCERNS RAISED OVER GRID STUDY: Seven Senate Energy and

Natural Resources Democrats, led by Ranking Member [Maria Cantwell](#), are crying foul this morning over the Energy Department's 60-day study of the electric grid that they say appears intended to blame renewable energy sources for the struggles of nuclear and coal. "This study appears to be a thinly-disguised attempt to promote less economic electric generation technologies, such as coal and nuclear, at the expense of cost-competitive wind and solar power," they write in [a letter](#). The letter encourages Secretary Rick Perry to adequately consider other factors, like low natural gas prices and existing analyses showing positive impacts of renewable sources on grid reliability, when conducting the review.

GREATEST HITS, HARRISBURG EDITION: During his [remarks in Harrisburg](#), Pa. on Saturday night, President Donald Trump said his administration had "removed the shackles on energy exploration imposed by the last administration" and "ended the war on beautiful, clean coal and we are putting our great coal miners back to work." But he also said the speed with which he was able to get the Dakota Access and Keystone pipelines approved surprised even those projects' biggest backers: "I want to tell you, the heads of those two companies, they didn't know what the hell happened. They said, 'how did this happen?'" Trump said. Though Trump said it took 24 hours, clearing the bureaucratic hurdles took a bit longer in reality.

Lessons learned: Asked what he'd learned over his first 100 days in office, Trump told CBS' [Face the Nation](#): "It's just a very, very bureaucratic system. I think the rules in Congress and in particular the rules in the Senate are unbelievably archaic and slow moving. And in many cases, unfair. In many cases, you're forced to make deals that are not the deal you'd make."

EPA'S CLIMATE PAGES SCRUBBED: On the eve of the climate marches, EPA removed "outdated language" from its website, including almost all references to climate change, Pro's Nick Juliano [reports](#). J.P. Freire, an agency spokesman, said the website "needs to reflect the views of the leadership of the agency." EPA maintained links to archived versions of the Obama-era versions of the pages it took down.

Union officials were troubled: "The book burning has commenced!" John O'Grady, head of the agency's top employee union, said in a statement. "Something appears to be very wrong with this Administration's position on global climate change, and this impacts all Americans, especially the poor and marginalized."

ZINKE'S IN TEXAS: Fresh off [Trump's executive order](#) Friday, Interior Secretary Ryan Zinke is in Houston today for a discussion with Consumer Energy Alliance President David Holt on offshore energy production and "steps that can be taken to ensure that the country benefits from these resources to the maximum extent possible." He's due to take the stage at the Offshore Technology Conference at 2 p.m. CST.

ANOTHER INHOFER HEADS TO THE WHITE HOUSE: Alex Herrgott, who served as Sen. Jim Inhofe's point man on all things infrastructure when the Oklahoma Republican helmed the Environment and Public Works Committee, starts today at the Council on Environmental Quality as associate director for infrastructure. The move positions Herrgott to help implement recent legislative and executive moves aimed at detangling the permitting process for new highway, air and waterways projects, and could give him a key role in any Trump administration infrastructure effort.

Bipartisan boosters: Colleagues from both sides of the aisle heap credit on Herrgott for a number of the EPW committee's recent successes, including a major water resources measure that navigated contentious issues -- including a \$100 million aid package for Flint, Mich. - to

pass overwhelmingly last December. Democrats say Herrgott is someone they enjoy working with, and hope his hire is a sign the Trump administration may steer clear of ideological fault lines in favor of getting something done on infrastructure. "He likes cutting deals, and that's, quite frankly, what makes him valuable to these guys," a Senate Democratic aide.

CANTWELL 'GRAVELY CONCERNED' WITH BERNHARDT: Doesn't sound like [Trump's pick](#) for the number two slot at Interior, David Bernhardt, is going to have a smooth path through the Senate Energy and Natural Resources Committee. "I am gravely concerned about Mr. Bernhardt's record of working on behalf of corporations at the expense of the environment, and his history at the Department of Interior during years plagued by ethical scandals," Cantwell told ME in a statement. "The committee must do its job in closely scrutinizing his record and any conflicts of interest."

LEAVE IT: OMB might get EPA's proposed 2018 biofuel mandates under the Renewable Fuel Standard as soon as today, Pro's Eric Wolff [reports](#). The agency is expected to keep the conventional biofuel volume requirement — typically ethanol — at 15 billion gallons, according to biofuel and refining industry sources who have been in contact with EPA and the White House. The timing to send the proposal to OMB could shift and the White House could tweak the requirements.

NEW, CONSERVATIVE CLIMATE PUSH: Conservative and evangelical groups, in conjunction with the [Partnership for Responsible Growth](#), are unveiling the first two in series of TV ads that will air in the D.C.-area starting tomorrow that urge Congress to take action to address climate change. They'll air during TV programs known to be watched by Trump.

TWITTER FIGHT OVER MONUMENTS, SENATOR EDITION: When Sen. [Michael Bennet](#) asked people in [a Medium post](#) how the Trump administration's 45-day review of prior national monument designations "will uncover information that Western communities somehow missed," Sen. [Mike Lee](#) answered the challenge. It's worth noting Bennet hopes to lure the Outdoor Industry Association's annual Outdoor Retailer Show to Colorado from Utah.

Highlights from Lee's tweetstorm: "By assuming the worst in Utah's elected officials, Outdoor Retailers boxed themselves into a corner. Threats are all they've got...Utah Elected officials don't take Outdoor Retailers seriously anymore. Our superb outdoor recreation amenities aren't going anywhere...If Outdoor Retailers move to CO, it won't take long for them to learn that CO isn't going to give them everything they want either...'Give us what we want or we will hurt you' isn't going to play any better in CO than it did in UT..." Scroll back [here](#) for the whole thing.

NOT SEEKING A PROMOTION: Don't expect to House Natural Resources Chairman [Rob Bishop](#) to toss his hat in for a promotion if Senate Finance Chairman [Orrin Hatch](#) ultimately retires before the 2018 elections, Pro's Esther Whieldon [reports](#). "The chances of me running for the Senate even if there was an open seat is pretty minimal," he said in an interview for C-SPAN's *Newsmakers*. Watch the full interview (featuring Esther!) with Bishop [here](#).

REPORT: TEXAS LNG TO MAKE BIG ECONOMIC CONTRIBUTION: Texans for Natural Gas is out with [a report](#) today arguing seven LNG export facilities slated to be built in the state will have an economic impact of more than \$145 billion while creating or supporting 70,000 jobs in Texas specifically and 136,000 jobs nationally. The group is also launching [a petition](#) backing LNG exports from Port of Brownsville where three projects have been proposed.

MOVER, SHAKER: Shaylyn Hynes today joins the Department of Energy as a press secretary; she was previously communications director for Rep. [Ted Poe](#). "This change is very bittersweet but I am so thankful for the experience that I have had here," she writes in a goodbye note to colleagues.

RIP: ME sends condolences and thoughts to the family of Energy Secretary Rick Perry, whose father Ray Perry [passed away](#) at the age of 92. "Here's to a life well lived, Dad. Thank you for the blessings you gave us, and we will miss you every day," Perry [tweeted](#) on Friday.

QUICK HITS

- Alaska Guessing Game Provides Climate Change Record. [NPR](#).
- Washington state senators tap surplus campaign money for food, clothes, furnishing. [Seattle Times](#).
- Oil's Big American Glut Is Resting Elsewhere. [Bloomberg](#).
- BC Liberals' stance on coal exports puts Ottawa in tough spot. [Globe and Mail](#).
- Coal-rich, but job-hungry, Appalachia waits for Donald Trump to deliver. [Cleveland.com](#).
- Iowa's biggest utility aims to produce all its energy from renewable sources. [AP](#).

HAPPENING THIS WEEK

MONDAY

8:00 a.m. — 2017 [Waterpower Week in Washington](#), Capital Hilton, 1001 16th St NW

8:30 a.m. — Johns Hopkins SAIS Canadian Energy [Conference](#), 1740 Massachusetts Ave. NW

12:00 p.m. — National Press Club event on indigenous people's environmental justice, National Press Club, 529 14th St. NW, 13th Floor

TUESDAY

10:00 a.m. — "[Consequences of Executive Branch Overreach of the Antiquities Act](#)," House Natural Resources Subcommittee on Federal Lands, 1324 Longworth

10:00 a.m. — Senate Energy and Natural Resources Committee [hearing](#) on federal lands, 366 Dirksen

12:00 p.m. — "[Nuclear for the Next Generation](#)," The Nuclear Energy Institute and Partnership for Global Security, National Press Club, 529 14th St. NW

12:00 p.m. — Alston & Bird [panel](#) on pharmaceutical waste, 950 F Street NW

1:00 p.m. — "[Tipping Points in Global Environmental Policy](#)," World Resources Institute, James A. Harmon Conference Center, 10 G Street NE, Suite 800

WEDNESDAY

10:00 a.m. — "[Legislation Addressing Pipeline and Hydropower Infrastructure Modernization](#)," House Energy and Commerce Energy Subcommittee, 2123 Rayburn

10:00 a.m. — "[Oil and Gas Technology Innovation](#)," House Science, Space and Technology Subcommittee on Energy, 2318 Rayburn

10:30 a.m. — "[Public Witness Hearing](#)," House Appropriations Committee's Energy and Water Development, and Related Agencies Subcommittee, 2362-B Rayburn

2:30 p.m. — "[Oversight Hearing on The Challenges of Keeping Hydropower Affordable and Opportunities for New Development](#)," House Natural Resources Subcommittee on Water, Power and Oceans, 1324 Longworth

THURSDAY

10:00 a.m. — Senate Energy and Natural Resources Committee [hearing](#) on energy infrastructure, 366 Dirksen

11:00 a.m. — USEA Annual Membership & Public Policy [Forum](#), United States Energy Association, National Press Club Ballroom, 529 14th Street, NW

FRIDAY

9:00 a.m. — "[The Outlook for Oil and Gas in Brazil](#)," Inter-American Dialogue, 1155 15th St. NW, Suite 800

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/another-white-house-huddle-on-paris-today-022599>

Stories from POLITICO Pro

Trump administration lawyers to discuss Paris climate deal [Back](#)

By Andrew Restuccia | 04/30/2017 01:31 PM EDT

Trump administration lawyers plan to meet Monday to discuss the legal implications of remaining in the Paris climate change agreement, two people familiar with the meeting told POLITICO.

Critics of the 2015 accord have quietly been mounting a behind-the-scenes effort to convince President Donald Trump that sticking with the deal would pose legal hurdles.

The meeting is expected to include lawyers from the White House, National Security Council, State Department and Justice Department, the sources said, though they said the list of attendees and timing could still change.

A Thursday meeting of Trump administration officials about the Paris agreement focused

largely on legal issues. Critics of the deal, led by chief strategist Steve Bannon and Environmental Protection Agency Administrator Scott Pruitt, have pushed several legal arguments, including that the Paris deal restricts countries from weakening their domestic emissions-reduction targets and that any decision to remain could be used in court to counter the administration's bid to undo former President Barack Obama's climate regulations for power plants.

The Monday meeting was organized after Ivanka Trump, the president's daughter and a proponent of remaining in Paris, called for a deeper assessment of those legal questions after the issue bubbled to the forefront on Thursday, sources said. Backers of the accord were surprised when the White House Counsel's Office signaled during the Thursday meeting that it agreed with Pruitt's legal concerns.

Current and former State Department officials strongly disagree with Pruitt's contentions about the legal issues.

The debate over Paris has divided Trump's team in recent months. While Bannon and Pruitt are mounting a campaign to withdraw, other advisers like Ivanka Trump and her husband, Jared Kushner, as well as Secretary of State Rex Tillerson and national security adviser H.R. McMaster are said to support staying. Advisers who back remaining have taken a cynical view of Pruitt's offensive, privately arguing that he's trying to cloud the debate by raising legal concerns they see as invalid.

But conservatives inside and outside the administration remain shocked that the White House is even considering staying, noting that Trump promised during the campaign to "cancel" the deal.

Trump, for his part, said [in a recent interview](#) that he would make a final decision in a couple weeks. Though he hasn't tipped his hand, he said in the interview that the U.S. is not getting a fair shake, arguing that other polluting nations aren't forking over enough money to help countries cope with climate change.

A White House spokeswoman did not immediately respond to a request for comment.

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Budget deal reached in Congress [Back](#)

By Burgess Everett, John Bresnahan and Sarah Ferris | 04/30/2017 09:45 PM EDT

Congressional leaders released the text early Monday of a more than 1,600-page spending bill that would fund the government at updated levels through the end of September.

The bipartisan deal struck Sunday night would increase defense spending by \$25 billion over current levels and provide \$1.5 billion in new border security spending aimed at repairing existing infrastructure and increasing technology, though it would not allocate any new money to a Southern border wall with Mexico despite the president's insistence.

"This agreement is a good agreement for the American people, and takes the threat of a government shutdown off the table. The bill ensures taxpayer dollars aren't used to fund an ineffective border wall, excludes poison pill riders, and increases investments in programs that the middle-class relies on, like medical research, education, and infrastructure," said Senate

Minority Leader Chuck Schumer (D-N.Y.).

The [legislation](#) will permanently extend expiring health insurance benefits to coal miners, a major priority of senators from Appalachia. It includes \$2 billion in new spending for the National Institutes of Health, a down payment on former President Barack Obama's cancer moon-shot.

Under the plan, Congress would also deliver \$8.1 billion in emergency and disaster relief funding, including money to aid California, West Virginia, Louisiana and North Carolina and fight fires in the West, as well as new investments in fighting the opioid epidemic.

Congress was forced to pass a stopgap, week-long funding measure last Friday to avoid a government shutdown as the two parties sparred over the GOP's attempts to repeal Obamacare, as well as Puerto Rico's beleaguered Medicaid coffers.

The legislation delivers wins to both parties, though the Republicans and Democrats also had to compromise on some key issues. The Trump administration had demanded that the bill include a down payment on a physical barrier along the Southern border, as well as a rider blocking sanctuary cities from getting new grant funding. The White House received neither though did garner significant new investments in border security. Trump insists now he will still get his wall built imminently and will seek money for the structure in the new spending bill this fall.

Democrats were seeking a permanent commitment to funding Obamacare's subsidies for low-income Americans' insurance as well as more money to fill Puerto Rico's Medicaid coffers. Instead the Trump administration is only indefinitely funding the Obamacare subsidies, and Puerto Rico's Medicaid solution mostly relies on redistributing existing accounts.

Democrats also fended off riders they view as anti-environmental and anti-abortion.

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Supreme Court backs ruling killing Maryland power program [Back](#)

By Darius Dixon | 04/19/2016 10:44 AM EDT

The Supreme Court affirmed a lower court ruling Tuesday that overturned a Maryland energy program designed to create incentives for new electricity generation.

"Maryland's program is preempted because it disregards the interstate wholesale rate FERC requires," Justice Ruth Bader Ginsburg wrote for the court, in the lopsided [8-0 decision](#). Justices Sonia Sotomayor and Clarence Thomas each filed separate concurrences.

The arguments over the combined cases of *Hughes v. Talen Energy Marketing* and *CPV Maryland v. Talen Energy Marketing* concern an order from state regulators that offered power plant developers payments based on levels set in the PJM wholesale market auctions, which critics say overstepped the state's jurisdiction by interfering in the wholesale markets that are under FERC's authority.

But Justice Department attorneys argued that the state's decision to design its program around the PJM market's auction prices was a breach of two types of preemption that made it unlawful: First, that states are broadly superseded by FERC when it comes to all business

involving interstate rates —a "field" preemption — and, secondly, a more direct "conflict" preemption where a specific state program clashes with federal law.

Maryland drew support from state-level officials and regulators who fear they could see their ability to determine local power supply strategies curbed if the Supreme Court backed the lower-court decisions killing the program. The states supporting Maryland had also pointed to a broad set of lawsuits filed against their regulators since Maryland's program was undone by the 4th Circuit Court of Appeals, as well as a 3rd Circuit Court of Appeals decision overturning a similar program in New Jersey.

The high court's new decision bodes ill for a New Jersey energy program under *CPV Power Holdings v. Talen Energy Marketing* and *Fiordaliso v. Talen Energy Marketing* that was undone by the 3rd Circuit. The justices had circulated the Maryland and New Jersey cases together — and asked for the Solicitor General's position on both issues at the same time—but later decided to put the New Jersey case off. Court observers believe that the justices would use one case to inform their opinion on the other.

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FERC's Honorable is not seeking renomination [Back](#)

By Darius Dixon | 04/28/2017 04:03 PM EDT

FERC Commissioner Colette Honorable is not seeking re-nomination to the agency, she announced this afternoon.

"After much prayer and consideration I've decided not to pursue another term at the Federal Energy Regulatory Commission," she wrote in a [statement](#).

The announcement came after POLITICO requested a comment from her office in response to several sources who had said she made her decision known to lawmakers on Capitol Hill.

A Democrat and former Arkansas utility regulator, Honorable was confirmed to FERC in December 2014 and had been close to former Sen. Mark Pryor. Honorable is widely expected to remain in the Washington area, but it's not immediately clear what her next move will be. It's also unclear who Democrats might suggest that the White House nominate to replace her.

Honorable didn't say when she might resign. Her term expires June 30, but she can remain at the agency until the end of the current congressional session sometime in December or a replacement is confirmed to her seat.

President Donald Trump has yet to announce nominees for the three current vacancies to restore a Republican majority at the five-seat agency. Nevertheless, several sources have said that the White House [intends to nominate](#) Kevin McIntyre, who co-leads Jones Day's energy practice; Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#); and Pennsylvania regulator Rob Powelson.

FERC leadership has been operating without a quorum to approve most major business since early February, when Norman Bay resigned after Trump elevated another sitting Democrat, Cheryl LaFleur, to be acting chairman.

WHAT'S NEXT: Congress and several industry groups are awaiting new FERC nominees,

but there is no requirement that the White House stick to any particular timeline on making appointments.

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EPA scrubs website of references to Obama climate plans [Back](#)

By Nick Juliano | 04/28/2017 09:11 PM EDT

EPA is overhauling its website to remove "outdated language" referring to Obama-era programs President Donald Trump has targeted for elimination, including virtually all mentions of climate change, the agency announced late Friday.

The agency eliminated climate change from a drop-down list of "Environmental Topics" displayed on its front page and took down a separate [page](#) on the topic that had been up as recently as [Monday](#).

The website changes had been expected, but environmentalists were unsettled.

"Cleansing has begun," the Natural Resources Defense Council's David Doniger [wrote on Twitter](#). "Now only alternative facts."

In a press release, EPA said it was removing references to the "so-called Clean Power Plan," which the agency is reviewing in response to an executive order Trump signed last month. And it said it was reviewing content on the site related to climate change and regulations.

"As EPA renews its commitment to human health and clean air, land, and water, our website needs to reflect the views of the leadership of the agency," J.P. Freire, an agency spokesman, said in a statement. "We want to eliminate confusion by removing outdated language first and making room to discuss how we're protecting the environment and human health by partnering with states and working within the law."

The announcement came ahead of Saturday's scheduled climate march, when thousands of people are expected to gather in Washington and other cities to protest Trump's policies and call for action to address climate change.

EPA maintained links to archived versions of the Obama-era versions of the pages it took down.

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Trump presses for Arctic offshore oil opening [Back](#)

By Ben Lefebvre | 04/27/2017 09:00 PM EDT

President Donald Trump says he will open the door to offshore oil drilling in Arctic waters that his predecessor placed off limits late last year.

Trump signed an executive order Friday to reverse President Barack Obama's policy preventing exploration in a region that environmental groups warn is too sensitive to risk an ecological catastrophe. The move is Trump's latest attempt to jettison Obama-era environmental policies and help open the spigot for U.S. oil and natural gas production, but is

certain to draw legal challenges from environmental groups.

"This order will enable better scientific study of our offshore resources and research that has blocked everything from happening for far too long," Trump said as he signed the order in the Oval Office, flanked by members of Congress and energy industry representatives. "You notice it doesn't get blocked for other nations. It only gets blocked for our nation. Renewed offshore energy production will reduce the cost of energy, create countless new jobs and make America more secure and far more energy independent."

Oil companies have struggled to establish a presence in U.S. waters in the Arctic because of punishing weather conditions, regulatory delays and the high price of operating in the region. The industry is eager to see more of the Arctic open to leasing, but experts believe oil prices would have to increase sharply to spur any significant production there.

Trump's executive order also directs his Department of Interior to review the five-year offshore leasing plan issued by the Obama administration. The study could take two years to conduct, and will look at the federal waters in parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas, Interior Secretary Zinke told reporters Thursday night.

But the Trump administration is not considering opening the eastern portion of the Gulf of Mexico, keeping the oil industry out of the waters that Floridians have long protected as vital to the state's huge tourist industry.

Trump's executive order will also direct the Commerce Department to review all marine sanctuaries created or expanded in the past 10 years and report back to the White House in three months.

The first 100 days of the Trump administration have seen a flurry of activity on energy and environmental issues, with Trump issuing orders to roll back climate change regulations on power plants, fuel efficiency rules for vehicles and pollution limits for coal mining. The move to begin looking at expanding access to offshore areas helps fulfill his campaign promises to boost domestic energy production.

Democrats and environmental groups vowed to fight the order even before a copy of it was released.

"We will take to the courts and the streets," Kristen Monsell, an attorney at the Center for Biological Diversity, said in a statement.

Allowing oil companies to expand offshore operations "would put coastal economies and ways of life at risk of a devastating oil spill, while worsening the consequences of climate change," League of Conservation Voters President Gene Karpinski said in a statement.

Earthjustice is rounding up green groups and Native American tribes to participate in a lawsuit challenging Trump's reversal of Obama's Arctic drilling ban, said Erik Grafe, a staff attorney with the environmental litigation group. Obama placed the Arctic waters and parts of the Atlantic Ocean off limits with a little-used provision in a 1953 offshore drilling law, which does not specify that future presidents can undo such actions. Environmentalists say that means Obama's ban is permanent, but federal courts have never weighed in on the question.

"We'll argue Trump's attempt to revoke [the ban] is unlawful because it's not authorized," Gafe said.

Trump's order did not specifically place Pacific waters outside review, but Zinke noted that Californians had curbed offshore drilling along its coast, although leases in federal water there could also be used to establish wind farms.

"We're going to give local communities a voice," Zinke said. "I'm optimistic about the wind opportunities."

California Gov. Jerry Brown, had pressed Obama to permanently ban drilling off the state's coast, and any rush to start drilling in the Pacific would also meet resistance from restaurant owners, fisheries, resort operators and a host of other businesses that depend on the coast staying clear of oil rigs.

"I wouldn't say it's sacred ground. It's more like exhaustive ground," a source at one major oil company said about the potential for drilling in California.

Sens. Ed Markey (D-Mass), Bob Menendez (D-N.J.) and 25 other senators sent a letter to Zinke demanding that no changes be made to the Obama administration's five-year lease plan unveiled in November and which runs until 2022, the lawmakers said Thursday. The senators also submitted a bill calling for the plan to be kept intact.

"Our immediate goal is for them to leave the five-year plan alone," Menendez told reporters. "At the end of five years, a future administration could think about what it wants to put in its five-year plan."

Even with crude at a modest \$50 a barrel, the oil industry is intensely interested in getting access to the waters to the west and north of Alaska. The U.S. government estimates the Arctic Circle could yield 90 billion barrels of oil, about a third of that in the area around Alaska alone.

Exxon Mobil, Shell, Chevron and other oil companies have lobbied to expand Alaskan drilling even as they focus for now on tapping into the vast resources the fracking technology has opened up in Texas and North Dakota in recent years.

Even companies that a year ago relinquished their old Arctic leases in favor of focusing on shale plays have recently become more excited about Alaskan prospects.

Eventually the world's energy appetite will force oil companies to explore new areas, and energy experts see some of the best prospects in areas former President Barack Obama placed off limits with his executive power in December.

"It's important for us to see new areas available for leasing," said Andy Radford, the American Petroleum Institute's senior policy adviser for offshore energy. "It's a long-term view of things. We're going to need oil and gas well into the future. The supply we have now is depleting. You're constantly trying to restock the cupboard."

But that exploration also would coincide with an anticipated oil price increase, said Jacob Dweck, energy lawyer for law firm Eversheds Sutherland.

"Crude oil is at \$50 and forecast to be at \$50 for years," Dweck said. "So large companies will

have to have the foresight that crude oil will have to be at \$80 or \$90 again to make multi-billion dollars investment decisions (for the Arctic) today."

Environmentalists said they will fight any attempt to bring more rigs into the Arctic. The region's extreme weather make drilling in the area prone to accidents, which could prove impossible to clean up, they argue.

Roiling seas and rough winds helped push oil giant Shell from the Chukchi Sea off the northeast shore of Alaska. Shell spent \$9 billion to explore there in 2012, but a series of setbacks, including a drilling rig that came untethered and ran aground, and disappointing drilling results, led the company to abandon its leases.

Pumping oil hasn't been much easier in the relatively calm shallower waters. Oil company Hilcorp in February reported a leak in the Cook Inlet but wasn't able to stop it until mid-April because cold and ice prevented divers from approaching the pipeline, according to the company.

The federal regulator, the Pipeline and Hazardous Material Safety Administration, forced Hilcorp, the biggest operator in the Cook Inlet, to shut down another pipeline earlier this month after it started leaking oil.

"An oil company can't fix a leak in Cook Inlet," said Monsell, of the Center for Biological Diversity. "How are they going be able to deal with an oil spill or gas leak in the much more difficult Arctic?"

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Trump appoints lobbyist, Bush veteran as Interior deputy secretary [Back](#)

By Ben Lefebvre | 04/28/2017 10:45 AM EDT

President Donald Trump today nominated lobbyist and former George W. Bush administration official David Bernhardt to be deputy secretary of the Interior.

It was one of several nominations and appointments the White House announced today, just as Trump is finishing his first 100 days as president. The delay in staffing his administration has slowed work on his priorities and caused headaches for some of his Cabinet heads. Interior Secretary Ryan Zinke [said earlier this month](#) he was "frustrated" by the delays in filling top spots at the agency.

Bernhardt's nomination continues the trends of Trump appointing lobbyists to his government and stocking Interior with Westerners. Bernhardt, born in Colorado, most recently worked as a lawyer chairing the natural resource law practice at law firm Brownstein Hyatt Farber Schreck, LLP.

In that position he helped lead Trump's transition team at Interior. As part of the firm he also lobbied for Westlands Water District, California's powerful Central Valley water district, for legislative changes to how Interior's Bureau of Reclamation implements species protections in the Sacramento-San Joaquin Bay Delta. The firm made \$260,000 on the work last year, according to lobbying disclosure forms.

Bernhardt worked as solicitor, Interior's third-highest position, for the full eight years under

Bush. He is also a former U.S. Commissioner to the International Boundary Commission, U.S. and Canada.

Bernhardt most recently served on Virginia's Board of Game and Inland Fisheries.

WHAT'S NEXT: Once Trump formally submits Bernhardt's paperwork to the Senate, the Energy and Natural Resources Committee will begin vetting his background and schedule confirmation hearings in the coming weeks.

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Sources: EPA expected to leave ethanol volumes in place [Back](#)

By Eric Wolff | 04/28/2017 05:16 PM EDT

Industry sources say EPA could send its 2018 proposed biofuel mandates under the Renewable Fuel Standard to the White House for review as soon as Monday, putting the rule on track to meet the November deadline.

Biofuel and refining industry sources in contact with EPA and the White House told POLITICO the proposal will keep the conventional biofuel volume requirement — typically ethanol — at 15 billion gallons, the same level set by the Obama administration for 2017. EPA considers overall fuel consumption forecasts from the Energy Information Administration in its decision, and demand for gasoline is expected to surpass the record level seen last year.

The volume mandates set a decade ago for the RFS set the maximum level at 15 billion gallons.

One source said the volume mandates for advanced biodiesel and advanced cellulosic biofuel would increase slightly from 2017 levels, though other sources said the final numbers were still fluid.

EPA did not immediately respond to a request for comment.

The sources cautioned that the timeline for submission to OMB could slip, and that OMB could, as happened under Obama, alter the numbers before the final rule is issued.

Sources also say the EPA's proposed volumes rule will not address the question of which companies should bear the burden of complying with the program.

WHAT'S NEXT: OMB will review the rule, possibly making adjustments. In order to remain on schedule to meet the November deadline, EPA must publish the proposal by early June.

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Bishop says chance of running for Senate 'pretty minimal' [Back](#)

By Esther Whieldon | 04/28/2017 03:28 PM EDT

House Natural Resources Chairman [Rob Bishop](#) (R-Utah) today said he is not likely to run for Senate if Sen. [Orrin Hatch](#) (R-Utah) decides not to run for an eighth term in 2018.

When he ran for reelection in 2012, Hatch said he would not run again, but the 83-year-old has since indicated he isn't ruling out another term.

In an interview for C-SPAN's Newsmakers today, Bishop said he has no urge to move to the upper chamber.

"The chances of me running for the Senate even if there was an open seat is pretty minimal," Bishop said. "I enjoy the House. I like the House. I can't necessarily say the same thing about the Senate. I'm a creature of the House, and I find it very productive over here."

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